

o. With this notice, we are initiating consultation with the North Carolina State Historic Preservation Officer (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

p. Individuals desiring to be included on the Commission's mailing list for this project should so indicate by writing to the Secretary of the Commission.

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Procedural schedule and final amendments: The application will be processed according to the following Hydro Surrendering Schedule. Revisions to the schedule will be made if the Commission determines it necessary to do so:

Action	Tentative date
Issue Deficiency Letter .....	August 2004.
Issue Acceptance letter/Request Additional Information.	September 2004.
Issue Scoping Document 1 for Comments.	October 2004.
Request Additional Information, if necessary.	November 2004.
Issue Scoping Document 2, if necessary.	December 2004.

Action	Tentative date
Notice of Application is Ready for Environmental Analysis.	January 2005.
Notice of the availability of the Draft EA.	April 2005.
Notice of the availability of the Final EA.	June 2005.
Ready for Commission's decision on the Application.	July 2005.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

Linda Mitry,  
Acting Secretary.

[FR Doc. E4-1313 Filed 6-9-04; 8:45 am]

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Project No. 2686-032]

**Duke Power; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests**

June 4, 2004.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. *Type of Application:* New major license.
- b. *Project No.:* 2686-032.
- c. *Date filed:* January 26, 2004.
- d. *Applicant:* Duke Power (Nantahala Area).
- e. *Name of Project:* West Fork Hydroelectric Project.
- f. *Location:* On the West Fork of the Tuckasegee River, in Jackson County, North Carolina. The project does not affect Federal lands.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).
- h. *Applicant Contact:* John C. Wishon, Nantahala Area Relicensing Project Manager, Duke Power, 301 NP&L Loop, Franklin, NC 28734, (828) 369-4604, [jcwishon@duke-energy.com](mailto:jcwishon@duke-energy.com).

i. *FERC Contact:* Carolyn Holsopple at (202) 502-6407 or [carolyn.holsopple@ferc.gov](mailto:carolyn.holsopple@ferc.gov).

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Motions to intervene and protests may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site <http://www.ferc.gov> under the "e-Filing" link.

k. This application has been accepted for filing, but is not ready for environmental analysis at this time.

l. The existing West Fork Project operates in a peaking mode and is comprised of two developments: Thorpe and Tuckasegee. The Thorpe development consists of the following features: (1) A 900-foot-long, 150-foot-tall rockfill dam (Glenville Dam), with a 410-foot-long, 122-foot-tall earth and rockfill saddle dam located approximately 500 feet from the main dam left abutment; (2) a spillway for Glenville Dam located at the right abutment; (3) a 1,462 acre reservoir, with a normal reservoir elevation of 3,491.8 feet National Geodetic Vertical Datum and a storage capacity of 72,000 acre-feet; (4) a concrete and brick powerhouse containing one generating unit having an installed capacity of 15.5 megawatts (MW); and (5) appurtenant facilities.

The Tuckasegee development consists of the following features: (1) A 254-foot-long, 61-foot-high concrete arch dam (Tuckasegee Dam), with 24 steel flashboards; (2) a 233.5-foot-long spillway; (3) a 7.9 acre reservoir, with a normal reservoir elevation of 2,778.75 feet National Geodetic Vertical Datum and a storage capacity of 35 acre-feet; (4) a concrete powerhouse containing one generating unit having an installed capacity of 2.6 MW; and (5) appurtenant facilities.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or for TTY, (202)

502-8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) Bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

**Linda Mitry,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project Nos. 2692-032, 2698-033, 2686-032, 2601-007, 2602-005, 2603-012, 2619-012]

### Duke Power; Notice of Settlement Agreements and Soliciting Comments

June 4, 2004.

Take notice that the following settlement agreements have been filed with the Commission and are available for public inspection.

a. *Type of Application:* Settlement agreements (Tuckasegee River and Nantahala River).

b. *Project Nos.:* 2692-032, 2698-033, 2686-032, 2601-007, 2602-005, 2603-012, 2619-012.

c. *Date Filed:* January 26, 2004.

d. *Applicant:* Duke Power

e. *Names of Projects:* Nantahala, East Fork, West Fork, Bryson, Dillsboro, Franklin, and Mission Hydroelectric Projects.

f. *Location:* The Nantahala Project is located on the Nantahala River and its tributaries, in Macon and Clay Counties, North Carolina. There are 41 acres of United States Forest Service land (Nantahala National Forest) within the boundary of the project. The East Fork Project is located on the East Fork of the Tuckasegee River, in Jackson County, North Carolina. There are 23.15 acres of United States Forest Service land (Nantahala National Forest) within the boundary of the project. The West Fork Project is located on the West Fork of the Tuckasegee River, in Jackson County, North Carolina. The project does not affect Federal lands. The Bryson Project is located on the Oconaluftee River, in Swain County, North Carolina. The project does not affect Federal lands. The Dillsboro Project is located on the Tuckasegee River, in Jackson County, North Carolina. The project does not affect Federal lands. The Franklin Project is located on the Little Tennessee River, in Macon County, North Carolina. The project does not affect Federal lands. The Mission Project is located on the Hiwassee River, in Clay County, North Carolina. The project does not affect Federal lands.

g. *Filed Pursuant to:* Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

h. *Applicant Contact:* John C. Wishon, Nantahala Area Relicensing Project Manager, Duke Power, 301 NP&L Loop, Franklin, NC 28734, (828) 369-4604, [jcwishon@duke-energy.com](mailto:jcwishon@duke-energy.com).

i. *FERC Contact:* Carolyn Holsopple at (202) 502-6407 or [carolyn.holsopple@ferc.gov](mailto:carolyn.holsopple@ferc.gov).

j. *Deadline for Filing Comments:* The deadline for filing comments on the Settlement Agreements is 20 days from the date of this notice. The deadline for filing reply comments is 30 days from the date of this notice. All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of

that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Comments may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions of the Commission's Web site (<http://www.ferc.gov>) under the "e-filing" link.

k. Duke Power filed two Settlement Agreements (Tuckasegee River and Nantahala River) on behalf of itself and 19 other stakeholders. The purpose of the Settlement Agreements is to resolve, among the signatories, all issues related to Duke Power's pending Applications for New Licenses for the Nantahala, East Fork, West Fork, Bryson, Franklin, and Mission Hydroelectric Projects and provides for the removal of the Dillsboro Dam as one of several environmental enhancement measures proposed at the six other projects. The issues resolved through the settlements include but are not limited to reservoir level limitations, public recreational facilities, minimum flow requirements for habitat and recreation, downstream recreational flows, flow and reservoir level communication protocols, resource enhancements, shoreline management guidelines, cultural resources, sediment management and compliance monitoring and reporting requirements.

l. Copies of the Settlement Agreements are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the "e-Library" link. Enter the docket number, excluding the last three digits in the docket number field to access the documents. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

Register online at <http://www.ferc.gov/esubscribenow.htm> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

**Linda Mitry,**

*Acting Secretary.*

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